



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 29 2001

Mr. Mark M. Jacobs, President, CEO and Director
RRI Energy, Inc.
1000 Main Street
Houston, Texas 77002

Re: Requirement for RRI Energy, Inc. to provide records/information relevant to the operation and maintenance of the Cheswick, Conemaugh, Elrama, Titus and New Castle Generating Stations

Plant Identification (AFS):

#42-003-00157	Cheswick Generating Station in Allegheny County, PA
#42-063-00011	Conemaugh Generating Station in Indiana County, PA
#42-125-00012	Elrama Generating Station in Washington County, PA
#42-011-00017	Titus Generating Station in Berks County, PA
#42-073-00013	New Castle Generating Station in Lawrence County, PA

Dear Mr. Jacobs:

The United States Environmental Protection Agency (EPA) Region III is issuing this information request pursuant to Section 114 of the Clean Air Act (Act), 42 U.S.C. § 7414, which authorizes EPA to require any person who owns and/or operates an emission source to provide information for the purpose of determining whether such person is in violation of any provision of the Act. The Administrator of EPA has delegated this authority to the Director of the Air Protection Division, Region III. In order for EPA to determine whether a violation of the Act has occurred, you are hereby required to provide responses to the enclosed questions and requests for information regarding the Cheswick, Conemaugh, Elrama, Titus and New Castle generating stations (Enclosures 1, 2, and 3). Your response to this information request must be certified by a duly authorized officer or agent of RRI Energy, Inc. (RRI Energy) by signing the enclosed Statement of Certification (Enclosure 4) and returning it with your response. All information submitted in response to this information request must be certified as true, correct, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of RRI Energy.

If RRI Energy, or Reliant Energy Incorporated, previously submitted information in response to the April 18, 2000, or January 10, 2001 information requests, that is also responsive to information requested herein (i.e., for the Titus plant), RRI Energy should so state and indicate the date such information was previously submitted, and the bates number ranges for the previously forwarded responsive documents.

Failure to provide the required information may result in the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, knowingly providing false information in response to this information request may be actionable under Section 113(c) of the Act, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by EPA in administrative, civil, and criminal proceedings.

You are entitled to assert a business confidentiality claim, covering all or part of the information request, except that no such claim can be made with respect to emission data as defined at 40 C.F.R. § 2.301(a)(2). Any such business confidentiality claim must be made in accordance with the procedures described at 40 C.F.R. § 2.203(b) and Enclosure 5. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. EPA may provide the public with any information not subject to such a claim without further notice to you. The required submission of information pursuant to Section 114 of the Act is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.


EPA requires RRI Energy to submit the information requested in Enclosure 2 not later than forty-five (45) calendar days after your receipt of this letter; with the following exceptions: Responses to Question 4 for the Cheswick, Conemaugh, Elrama, Titus, and New Castle generating stations and the responses to Questions 9 and 10 are not due until forty-five (45) calendar days after your receipt of a letter from EPA identifying the additional capital projects, for which documents responsive to Question 4.a through 4.n of Enclosure 2, are required.

EPA requires RRI Energy to report any changes or revisions to the information supplied within seven (7) days after the change or revision is made. This requirement to provide EPA with changed or revised information shall remain in effect until EPA provides RRI Energy with written notice of its termination. Please submit your response to this request to:

Mr. Richard P. Killian, Senior Environmental Engineer
U.S. Environmental Protection Agency
Region III-Air Enforcement Branch (3AP20)
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions regarding this information request, please contact Mr. Killian, Senior Environmental Enforcement Engineer, of the Air Protection Division, at (215) 814-2159, or your counsel may contact Ms. Donna Mastro, Senior Assistant Regional Counsel, at (215) 814-2777.

Sincerely,



Diana Esher, Director
Air Protection Division

Enclosures (5)

cc: Joyce Epps, PADEP, State Air Director, Central Office
William Weaver, PADEP, SC Regional Office
Muhammad Zaman, PADEP, NC Regional Office
Robert A. Reiley, PADEP, Central Office.

ENCLOSURE 1:

A. INSTRUCTIONS:

1. Provide a separate narrative response to each question and subpart or a question set forth in the Information Request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

B. DEFINITIONS

All terms used in this information request will have their ordinary meaning unless such terms are defined in the Clean Air Act, 42 U.S.C. §§ 7401 et seq., 40 C.F.R. Part 52 (which incorporates the Federally-approved Pennsylvania State Implementation Plan), other Clean Air Act implementing regulations, or as otherwise defined herein.

1. The term "Act" or "CAA" shall mean the Clean Air Act, 42 U.S.C. §§ 7401 et seq.
2. "Cheswick" shall mean the Cheswick Generating Station in Allegheny County, PA with plant identification (AFS) #42-063-00157.
3. "Conemaugh" shall mean the Conemaugh Generating Station in Indiana County, PA with plant identification (AFS) #42-063-00011.
4. "Elrama" shall mean the Elrama Generating Station in Washington County, PA with plant identification (AFS) #42-063-00012.
5. "Titus" shall mean the Titus Generating Station in Berks County, PA with plant identification (AFS) #42-063-00017.
6. "New Castle" shall mean the New Castle Generating Station in Lawrence County, PA with plant identification (AFS) #42-063-00013.
7. The term "BTU" shall mean British Thermal Unit of heat.

8. The term "Capital Improvement Project Request" shall mean the documents used by the owners and operators of the Cheswick, Conemaugh, Elrama, Titus and New Castle Generating Stations or by generating station personnel to describe projects for physical, equipment, or process changes at the generating station and to obtain management approval for a planned expenditure at the generating station. These documents may also be known of as capital appropriation requests, authorizations for expenditure, work order records, improvement requisition projects or other similar names.
9. The term "Coal-Fired Boiler" or "Unit" shall mean all equipment used for the purpose of generating electricity including, but not limited to, coal handling facilities, the stationary equipment that feeds coal to the boilers, equipment necessary to operate the boiler, ductwork, stacks, turbines, generators, and all ancillary equipment, including pollution control equipment and systems necessary for the production of steam.
10. The terms "document" and documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, electronic records or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hardcopy should also include attachments to or enclosures with any document.
11. "EPA" shall mean the United States Environmental Protection Agency.
12. The term "Electric Utility Steam Generating Unit" shall have the same meaning as defined at 40 C.F.R. § 60.41a.
13. The term "facility" shall mean Cheswick, Conemaugh, Elrama, Titus and New Castle as defined herein.
14. The term "KWHR" shall mean kilowatt hours of electrical energy.
15. The term "MWHR" shall mean megawatt hours of electrical energy.
16. The term "mmBTU" shall mean million British Thermal Units.
17. The term "NSPS" shall mean the Standards of Performance for New Stationary Sources promulgated at 40 C.F.R. Part 60.
18. "RRI Energy" shall include RRI Energy, Inc. and its subsidiaries and related companies.
19. The term "PSD/NSR" shall mean the Prevention of Significant Deterioration and the New Source Review preconstruction permitting programs established at Subparts C and D of the Act, 42 U.S.C. §§ 7470-7515, and further defined at 40 C.F.R. Parts 51 and 52, and any respective program established under a state implementation plan.

ENCLOSURE 2:

INFORMATION REQUEST:

Provide the following information for the Cheswick, Conemaugh, Elrama, Titus and New Castle generating stations from 1990 to the present, unless other timeframes, or specific generating stations, are identified below:

1. Provide a list of all owners and operators for the Cheswick, Conemaugh, Elrama, Titus and New Castle generating stations on an annual basis, including the percent ownership for each individual owner. Identify the dates on which any ownership or operator status changed. Identify all entities from whom ownership was purchased and to whom ownership was transferred or sold and identify the percent ownership which was sold or otherwise transferred.
2. For each Coal-Fired Boiler at the Cheswick, Conemaugh, Elrama, Titus and New Castle generating stations, provide a list of all projects, including physical and operational changes, that cost more than \$100,000, and involve any of the equipment listed below (i.e., see sub-paragraphs a. – m. below). The list should include all projects for which physical construction commenced after January 1, 1990 to the present, for the New Castle, Cheswick and Elrama generating stations; after July 26, 1998 to the present for the Conemaugh generating station; and after May 31, 2001 to the present for the Titus generating station.
 - a. Boiler casing and boiler floor/wall tube replacements;
 - b. Economizer, reheater(s), primary and secondary superheaters, steam drum, and/or primary and secondary air preheater replacements;
 - c. Induced draft (ID) fans, forced draft (FD) fans, and fan motor replacements;
 - d. Condenser, boiler feed pump, and/or feed water heater replacements;
 - e. Flue gas recirculation (FGR) replacements, modifications, or deactivations;
 - f. Pulverizer, exhausters, burner, and/or cyclone replacements, upgrades, modifications, or design changes for each unit;
 - g. Balanced draft conversion projects;
 - h. Turbine rotor/turbine shell replacements or design values;
 - i. Low-NOx burner (LNB), overfire air, staged combustion, gas or coal reburn, or Selective Catalytic Reduction installation and/or modifications/retrofits including all model or size changes made to the burners for each unit. Also include all changes to the igniters and provide such information as, model, mmBTU/hr, etc;

- j. Scrubber installation;
 - k. Electrostatic precipitator (ESP) or baghouse retrofits or design changes;
 - l. Coal handling system changes to increase feed rate or other changes to coal preparation; and
 - m. Changes made to equipment to accommodate the burning of fuel, other than coal, (e.g., oil, petroleum coke, and tire-derived fuel).
3. Include the following information for each project in the list developed per Question 2, above, for each generating station:
- a. work order number;
 - b. project summary/description;
 - c. authorized project expenditures;
 - d. actual project expenditures;
 - e. date of approval;
 - f. final project completion date; and
 - g. commence operation date or in-service date.
4. For the Titus generating station, provide not later than forty-five (45) calendar days after your receipt of this Information Request copies of all responsive Capital Improvement Project Request documents, as identified in sub-paragraphs a. through n. below, for all projects identified in Enclosure 3. In addition, EPA will identify, for the Cheswick, Conemaugh, Elrama, Titus and New Castle generating stations, additional Capital Improvement Project Requests following a review of the list of projects provided by RRI Energy in response to Question 2, above. RRI Energy is to provide copies of responsive documents (i.e., see sub-paragraphs a. through n. below) for the projects identified by EPA as described herein, no later than forty-five (45) calendar days after your receipt of this list of projects from EPA:
- a. A copy of the Capital Improvement Project Request with authorized expenditure, authorizing signatures, and approval dates;
 - b. Total project cost, including all costs incurred by the owner(s) or operator(s) and all other costs shared by other owners and operators of the Coal-Fired Boiler or Unit;
 - c. Work order completion dates (i.e., when the equipment was returned to service) and all work order project completion reports;

- d. Copies of all emission calculations performed in conjunction with the projects, including calculations performed before the project was commenced and after the project was completed, as well as any determination(s) that no emission calculations were necessary;
 - e. Equipment specifications including:
 - (1) Maximum design capacity of all equipment/components listed in Question 2 above;
 - (2) List of equipment purchased and installed;
 - (3) Manufacturer(s) of equipment;
 - (4) Contract number(s); and
 - (5) Labor and equipment costs associated with this equipment;
 - f. Project justifications;
 - g. Cost/benefit analyses;
 - h. All alternative options' analyses;
 - i. All request for proposals, and price quotations submitted by equipment suppliers or contractors;
 - j. All purchase orders and/or contracts entered into that exceeded \$100,000;
 - k. Copies of all correspondence from/with a contractor regarding the material being supplied to support the project that discussed changes in material type or design from the existing component(s) being replaced;
 - l. All engineering analyses, performance tests, or related documents per project identified, including those showing original as-built performance and performance for the period immediately prior to and immediately following completion of each project;
 - m. Copies of all documents describing whether the project was associated with a life extension project, capacity increase, efficiency enhancement, or reliability improvement; and
 - n. Post-project performance tests and/or evaluations conducted to verify equipment guarantees.
5. Provide the original boiler diagrams and provide a plan view and cross-sectional drawings for all the Coal-Fired Boilers at the Cheswick, Conemaugh, Elrama, Titus and New Castle generating stations. If these diagrams have already been provided as

requested by an earlier EPA Information Request letter, identify when they were provided. If boiler cross-section diagrams provided in response to an earlier EPA Information Request letter no longer reflect the boiler design for these Units as of the date of receipt of this Information Request, describe what changes have been made that are not reflected in the original boiler cross-section diagram, and provide any drawings or other documents that reflect the changes to the unit.

6. Provide for each Coal-Fired Boiler or Unit a copy of all engineering analyses, correspondence, memoranda, telephone discussion summaries, and other communications, including, but not limited to, Board of Directors' reports, meeting minutes, and annual reports, that describe the benefits, provide justifications for, or otherwise explain the nature and extent, purpose, cost, and/or frequency of each project identified by EPA, as described in Question 4, in addition to the projects identified in Enclosure 3. This request includes all communications prior to, and after the projects were undertaken.
7. For the projects identified in response to by EPA, as described in Question 4, in addition to the projects identified in Enclosure 3, provide the FERC Property Record Accounts 311, 312, 314, and 316. If your accounting practices differ from those outlined by FERC, provide information analogous to the FERC Property Records identified above along with all supporting information.
8. From January 1, 1985 to the present, unless a different timeframe is listed, provide the following information in electronic format (Excel or other comma delimited format) for each Coal-Fired Boiler at the above generating stations:
 - a. Capacity factor on a monthly and annual basis;
 - b. Availability factor on a monthly and annual basis;
 - c. Operating hours on a monthly and annual basis;
 - d. Coal consumption on a monthly and annual basis;
 - e. Coal fuel quality (e.g., % Sulfur (weight), % ash, heat content, etc.) on a monthly and annual basis;
 - f. Total gross and net generation (MWHR) on a monthly and annual basis;
 - g. Heat rate (BTU/KWHR) on a monthly and annual basis;
 - h. Identify the top ten annual causes of forced outages for each year, as measured by MWHR of lost generation;
 - i. Annual planned outage rate by MWHR of lost generation;
 - j. Lost generation (in MWHR) on an annual basis due to forced, maintenance, or scheduled outages and curtailments, caused by:

- (1) Boiler related components;
 - (2) Turbine generator components;
 - (3) Pollution control performance;
 - (4) Balance of plant; and
 - (5) Miscellaneous;
- k. Historic scheduled/planned Unit retirement dates from the beginning of operation of each Unit, and any changes to those dates, with an explanation for the reason of the changed date;
- l. Capacity test documentation and results for each Coal-fired Boiler from the beginning of operation of each Coal-Fired Boiler, including:
 - (1) the date and time of the capacity test;
 - (2) the standard operating procedure, or equivalent document, for the performance of the capacity tests. This would include the procedures, specifications, conditions, and other parameters under which the representativeness and accuracy of the tests are determined;
 - (3) all results of capacity tests including the condition (e.g., valve wide open), steam flow (peak and sustained), maximum heat input capacity (based on the coal heat content), coal type, gross megawatt (MW) capacity, and net MW capacity;
- m. Monthly peak hourly generation in MW;
- n. Summary results of all stack tests for the following pollutants:
 - (1) Nitrogen Oxides (NO_x)
 - (2) Sulfur Dioxide (SO₂)
 - (3) Particulate Matter (PM), PM₁₀, and PM_{2.5}
 - (4) Air Toxics (Lead (Pb)/Mercury (Hg)/Hydrochloric Acid (HCl)/other toxics that are included in the applicable State Implementation Plan (SIP)); and
- o. Monthly and annual emissions (lb/mmBTU and tons/year) of NO_x, SO₂, PM, PM₁₀, and Air Toxics (including Pb, Hg, HCl, and other toxics that are included in the applicable SIP). Emissions information requested includes annual emissions reports submitted to the applicable state or local regulatory agency and all data obtained from continuous emission monitors (CEM) in flue gas streams. Be sure to specify the time frames, associated pollutant emissions, and the location/source of emissions data that has already been reported to the U.S. EPA (i.e., Acid Rain CEM data/reports, NSPS data/reports, etc.) Acid Rain CEM data and/or air emission reports previously submitted to EPA for compliance verification

of Title IV or applicable NSPS requirements do not need to be resubmitted to satisfy this information request, although any known or planned changes to that data must be identified.

9. For all Capital Improvement Projects that are identified by EPA, as described in Question 4, in addition to the projects identified in Enclosure 3, provide a copy of all analyses or documents regarding emissions impacts or potential emissions impacts from the projects; and provide documents discussing the need for permits or applicability determinations for those projects. Provide all documents which discuss or identify why the projects that are identified by EPA, as described in Question 4, in addition to the projects identified in Enclosure 3, underwent or did not undergo formal state and/or agency environmental review prior to commencing the project.
10. Provide a copy of all permits, applicability determinations, and non-applicability determinations, along with supporting information related to the projects that are identified by EPA, as described in Question 4, in addition to the projects identified in Enclosure 3. Relevant documents include, but are not limited to, permit applications, correspondence, memoranda, telephone discussion summaries, and communications with state and/or Federal agencies related to applicability of Federal SIP-approval PSD/NSR program, SIP-approved minor source construction permitting program, and New Source Performance Standards.
11. For each Coal-Fired Boiler at Cheswick, Conemaugh, Elrama, Titus and New Castle, provide all engineering analyses, studies, or reports containing information regarding the capability of the Coal-Fired Boiler to produce steam or burn fuel, including, but not limited to, those documents containing recommendations for increasing or improving such capability (e.g., feasibility studies), from January 1 1990 to the present.
12. Provide the North American Electric Reliability Corporation (NERC) Generating Availability Data System (GADS) Performance, and GADS Event Reports on a monthly basis in electronic format as Excel spreadsheets for the Cheswick, Conemaugh, Elrama, Titus and New Castle Generating Stations from January 1, 1985 to the present.
 - a. The Reports should contain all available data defined in the NERC *Generating Availability Data System DATA REPORTING INSTRUCTIONS* dated October 1999. If the GADS Performance and Event Reports are not currently held by the company in an unformatted Excel Spreadsheet, the company should request that NERC provide the GADS data described in this request.
 - b. Provide the NERC GADS Performance and Event Reports in MicroGADS Gold format.
 - c. Provide the NERC GADS Design Reports in electronic format as Adobe Acrobat documents for the Cheswick, Conemaugh, Elrama, Titus and New Castle Generating Stations from January 1, 1985, to the present. For each Design Report produced, indicate the start date and end date for the timeframe represented by the information contained in the report.

13. Provide copies of all scheduled and/or planned post-outage reports from 1990 to the present.
14. Provide all documents that estimate coal usage and growth and load projections for the Cheswick, Conemaugh, Elrama, Titus and New Castle generating stations for the period of January 1, 1985 through December 31, 2010. This includes, but is not limited to, simulation modeling, rate case documentation, fuel purchase planning, new unit investment planning, and other relevant correspondence, reports, and meeting minutes by or among RRI Energy and the public utility or service commission, Board of Directors, or other state or Federal agency.
15. Identify the total capital, maintenance, and retirement expenditures on an annual basis made to each Coal-Fired Boiler at the Electricity Generating Stations from January 1990 to the present.
16. Provide all "five year plans" or other appropriate document(s) from January 1990 to the present which set forth the capital changes or expenditures; and identify the projected expenditures that RRI Energy proposed to make over the appropriate five year period to Cheswick, Conemaugh, Elrama, Titus and New Castle generation stations.
17. Provide all planning documents, meeting notes, studies, and/or project information, including, but not limited to, Board of Directors' reports, meeting minutes, and annual reports, related to efforts to increase the performance and reliability of each Coal-Fired Boiler at Cheswick, Conemaugh, Elrama, Titus and New Castle on either a short-term, long-term or annual basis for the period from January 1, 1990 to the present.
18. For each Coal-Fired Boiler at Cheswick, Conemaugh, Elrama, Titus and New Castle, identify if the boiler heat input listed in the current Title V permit, or renewal permit application, has increased from the original boiler design heat capacity. Include in your response what projects or series of projects may have contributed to each Coal-Fired Boiler's increase in heat input capacity.
19. Provide a copy of each quarterly excess emission report for each Coal-Fired Boiler at the Cheswick, Conemaugh, Elrama, Titus and New Castle generating stations from January 1, 2005 to the present. For each quarterly report, include the reason code for the exceedence of each appropriate averaging period for SO₂, NO_x, and Opacity reported to the state, which RRI Energy considers exempt and non-exempt, and the basis for any exemption. Reports should be in an Excel spreadsheet. If the reports are not available in an Excel spreadsheet, a comma delimited format compatible with Microsoft Windows software is acceptable.

ENCLOSURE 5:

Confidential Business Information (CBI) Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. Section 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. Sections 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, explain why the information should still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. Sections 2.301(a)(2)(i)(A), (B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



